

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JASON FITZGERALD,

Plaintiff,

v.

**SONYA TROUTT and
SONNY WEATHERFORD,**

Defendants.

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**No. 3:14-cv-01046
Judge Trauger**

ORDER

Plaintiff Jason Fitzgerald, an inmate at the Sumner County Jail in Gallatin, Tennessee, brings this *pro se* action alleging civil rights violations under 42 U.S.C. § 1983. (Docket No. 1). The plaintiff has submitted an application to proceed *in forma pauperis* (Docket No. 2).

It appears from the plaintiff's application that he cannot afford to pay the filing fee. Therefore, the Clerk will **FILE** the complaint *in forma pauperis*. 28 U.S.C. § 1915(b).

Accordingly, the plaintiff is herewith assessed the three hundred fifty dollars (\$350.00) civil filing fee. 28 U.S.C. § 1914. Pursuant to 28 U.S.C. §§ 1915(b)(1), the custodian of the plaintiff's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is greater:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust fund account; **or**
- (b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income, or income credited to the plaintiff's inmate trust fund account for the preceding month, but

only when his monthly income exceeds ten dollars (\$10.00). 28 U.S.C. § 1915(b)(2). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court. *Id.*

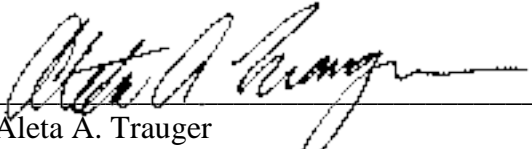
The Clerk is **DIRECTED** to send a copy of this order to the Sheriff of Sumner County to ensure that the custodian of the plaintiff's inmate trust fund account complies with the portion of the Prison Litigation Reform Act that pertains to the payment of filing fees. Should the plaintiff be transferred from his present place of confinement, the custodian of his inmate trust fund account shall ensure that a copy of this order follows the plaintiff to his new place of confinement. All payments made pursuant to this order shall be forwarded to the Clerk of Court for the Middle District of Tennessee.

Because the plaintiff is a prisoner, the court is obliged to conduct a preliminary review of the complaint to determine whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915A.

As provided in the accompanying memorandum, the court finds that the plaintiff's complaint fails to state § 1983 claims upon which relief can be granted. Therefore, the plaintiff's claims are hereby **DISMISSED WITH PREJUDICE**. There being no other claims before the court, this action is hereby **DISMISSED**.

This order constitutes final judgment in this case.

It is so **ORDERED**.


Aleta A. Trauger
United States District Judge